

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

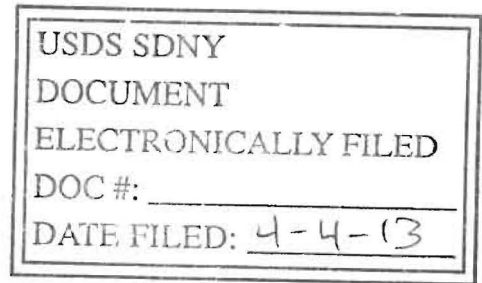
NMD INTERACTIVE, INC. d/b/a  
STREETEASY.COM,

Plaintiff,

-v-

DOUGLAS M. CHERTOK,

Defendant.



No. 11 Civ. 6011 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

On March 25, 2013, Plaintiff applied for an order requiring Defendant to show cause why he should not be held in contempt for refusing to comply with the Court's March 18, 2013 Memorandum and Order ("Order"). The Court, however, deferred consideration of Plaintiff's application in light of a letter from Defendant's newly retained counsel, also dated March 25, 2013, asking the Court to delay consideration for several days in order to give the parties an opportunity to consult. The Court is now in receipt of two new letters – one from Plaintiff, dated April 1, 2013, and one from Defendant, dated April 2, 2013 – offering two, contradictory accounts of whether Defendant is complying with the Court's Order and the parties' settlement agreement. Plaintiff asserts that Defendant is imposing unreasonable conditions in exchange for his compliance, while Defendant asserts that he has substantially complied and that it is Plaintiff that is failing to fulfill its settlement obligations.

Both parties appear to recognize that it would be preferable to conclude the settlement agreement without further litigation. The Court agrees and encourages the parties to work towards such an outcome reasonably and in good faith. Nevertheless, Plaintiff has applied for an

order to show cause, which the Court cannot resolve solely on the basis of the parties' dueling letters. Accordingly, IT IS HEREBY ORDERED THAT Defendant shall show cause why he should not be held in contempt on Monday, April 22, 2013 at 5:00 p.m. in Courtroom 905 of the United States Courthouse located at 40 Centre Street, New York, New York. IT IS FURTHER ORDERED THAT Defendant shall personally appear at the April 22 hearing. IT IS FURTHER ORDERED THAT Plaintiff shall serve Defendant with a copy of its memorandum of law and declaration in support of its application for an order holding Defendant in contempt by April 3, 2013. IT IS FURTHER ORDERED THAT Defendant shall respond by April 8, 2013, and Plaintiff shall submit any reply by April 12, 2013.

SO ORDERED.

Dated: April 2, 2013  
New York, New York

  
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RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE